



## **CITY OF HAYWARD**

### **AGENDA REPORT**

Meeting Date 7/10/03

Agenda Item 2

**TO:** Planning Commission

**FROM:** Carl T. Emura, Associate Planner

**SUBJECT:** Appeal of Planning Director's Denial of Variance No. PL-2003-0276 – Richard Camponuevo (Appellant/Applicant)/ Manual Garcia (Owner) – Request to Allow a 3'-6" Side Yard Setback Where a 5' Side Yard Setback Is Required and a Garage Width of 10' Where 11' Is Required

The Property is Located at 23681 Ronald Lane in a Single-Family Residential (RS) District

#### **RECOMMENDATION:**

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, Section 15305, Class 5 (a), Minor Alteration in Land Use Limitations.
2. Uphold the Planning Director's Denial.

#### **DISCUSSION:**

The property is a typical single-family residential lot, 50 feet wide by 100 feet deep. The house has a flat roof with four rooms, a dining room/kitchen, living room and two bedrooms. A 10-foot-wide attached single-car garage is located on the west side of the house and is set back 3'-6" from the west property line.

The applicant would like to significantly improve the appearance and size of his home by adding a porch, a family room, a master bedroom and a bathroom, and changing the flat roof to a pitched roof. In order to add an additional bedroom or increase the square footage by 50 percent, a two-car garage is required. The City Council enacted this requirement in order to help alleviate excessive parking in Hayward's neighborhoods. However, the applicant is not able create a two-car garage and meet side yard setback requirements and requirements for interior garage dimensions.

The applicant is seeking a variance to extend the single-car garage toward the rear of the property to provide a tandem 2-car garage, maintaining the 3'-6" side setback where a 5-foot side yard setback is required. A variance is also required for the interior width of the

garage, which is only 10 feet wide at the front and would be the required 11-foot width only at rear 7 feet (excludes area designated for washer and dryer).

At the time the home was built in 1951, many of the homes had garages that were 3'6" from the side property lines; however, living space was located at least 5 feet from the side property lines and homes were typically often 10 feet apart. Currently, side yard setback requirements for 50-foot-wide lots are at least 5 feet. For subject property, the side yard setbacks are 3'-6" for the garage and 5 feet for the living space, and the distance between the adjacent house and garage is 10 feet.

With regard to the requested side yard variance to 3'6", there has been no precedent in the area for allowing additional living space to be added that is only 3'6" from a side property line. In 1972 the City Council allowed a Ronald Lane garage conversion only 4'2" from the side property line. Also, several area homeowners took advantage of the City's illegal garage conversion amnesty program, but none of these conversions included extending the width or depth of the garages. With respect to variances to garage width requirements, outside of the downtown core where maximizing density is a goal, no variances have been granted to reduce the required 11-foot width of a single-car garage.

Because the Planning Director determined there are no special circumstances applicable to the property and no other property owner in the vicinity has been granted a side yard and garage width reduction, the application was denied on June 25, 2003.

The appellant appealed the Planning Director's decision, indicating it is not possible to construct a garage that meets both setback and garage width requirements. In order to construct a two-car garage that meets all requirements, the interior of the house would have to be significantly modified, including relocating the kitchen and a bedroom.

If the Planning Commission is supportive of the variance, appropriate findings and conditions of approval must be adopted.

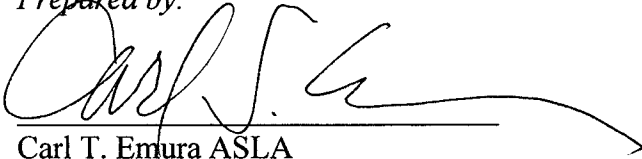
#### **Environmental Review:**

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, Class 5 (a), Minor Alterations of Land Use Limitations.

#### **Public Notice:**

On May 16, 2003, a Notice of Public Hearing was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records and the Santa Clara Neighborhood Task Force. Staff received one call supporting the changing of the roof from a flat to a pitched roof and had no objections to the variance. No calls were received opposing the variance.

*Prepared by:*

A handwritten signature in black ink, appearing to read 'Carl T. Emura', written over a horizontal line.

Carl T. Emura ASLA  
Associate Planner

*Recommended by:*

A handwritten signature in black ink, appearing to read 'Dyana Anderly', written over a horizontal line.

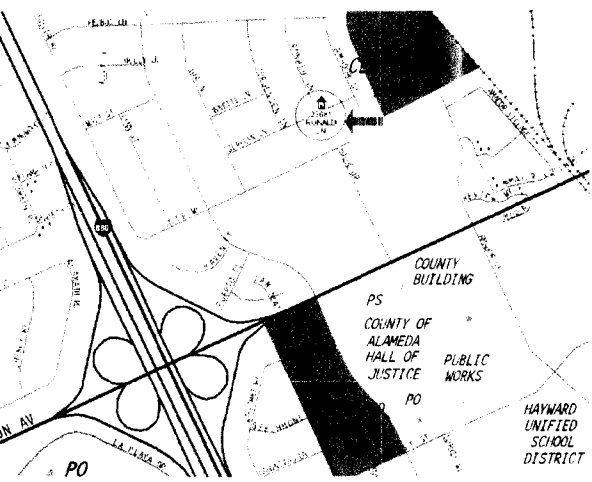
Dyana Anderly, AICP  
Planning Manager

Attachments:

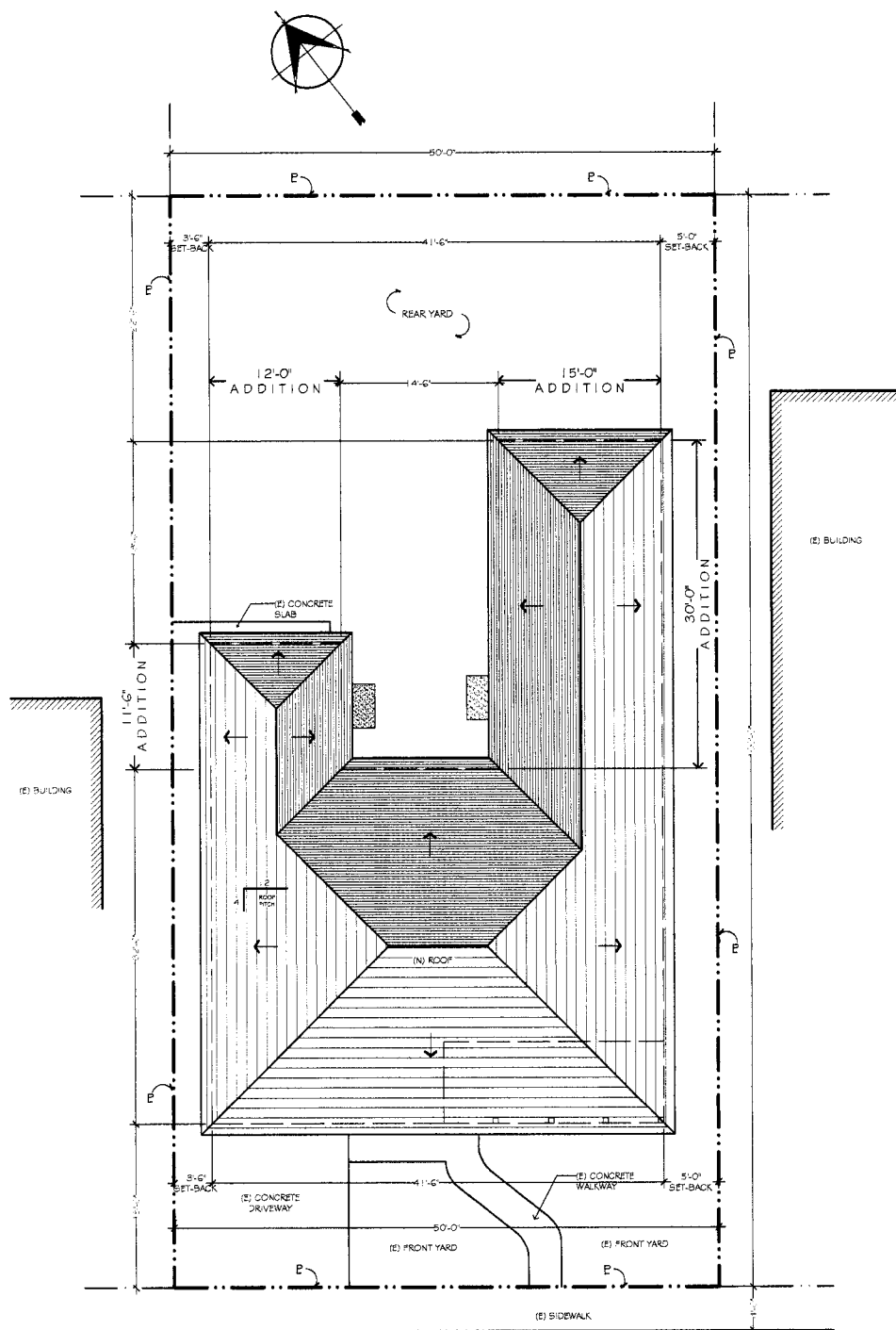
- A. Area Map
- B. Plan/Elevation
- C. Appeal Letter dated 6/25/03
- D. Findings for Denial



<b>APN:</b>	
ADDRESS	23681 RONALD LN, HAYWARD, CALIFORNIA
AREA	5,000.00 SQ. FT.
USE	R-1
	SINGLE FAMILY DWELLING
COVERAGE AREA	210.00 SQ. FT.
COVERED AREA	987.85 SQ. FT.
DECK AREA	461.50 SQ. FT.
TOTAL AREA	1,449.35 SQ. FT.



**LOCATION MAP**  
NON-SCALE



**Romoco**

DESIGNERS GROUP

2380 JUNIPERO SERRA BOULEVARD  
DALY CITY, CALIFORNIA 94015  
PHONE: (650) 755-4217 FAX: (650) 755-4385  
E-MAIL: ROMOCO@AOL.COM

DESIGN BY:  
RICHARD M. CAMPUENUEVO

REMARKS:

REMODELING  
RESIDENCE

OWNER:

**MR. MANUEL GARCIA**

23681 RONALD LANE  
HAYWARD, CALIFORNIA  
Ph: (510) 732 - 7654

SHEET NAME:

**SITE PLAN**





**Carl Emura**

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**From:** Romoco@aol.com  
**Sent:** Wednesday, June 25, 2003 3:35 PM  
**To:** Carl Emura  
**Subject:** Re: 23681 Ronald Ln

Dear Mr. Emura:

I am sending you this letter to confirm our intention to appeal the denial of our request for a Variance PL-2003-0276 located at 23681 Ronald Lane, Hayward.

The reasons to appeal is because is a very little variance to the required 5'-0" set back on the side yard using just only 3'-6" set back , we are forced to do it in order to comply with the required tandem garage that we are adding to the house; it is impossible to have a broken interior and maneuver inside.

The tandem garage is prerequisite to approve the addition at rear yard of the house.

Unfortunately there is no other way to have a double car garage (tandem). After several meetings we get to the conclusion that this is the only way and also by keeping the same alignment of the existing wall we will not ruin the side elevation of the building, the roof lines and also the Architecture of the inside.

And the last reason is the next door neighbor has a 10'-0" side yard set back, this allow the next door building to have more than enough day light and ventilation.

Sincerely

Richard M. Camponuevo  
Designer

RoMoCo Designers Group

**ATTACHMENT C**

6/25/2003



**CITY OF HAYWARD  
PLANNING DIVISION  
ADMINISTRATIVE VARIANCE  
June 25, 2003**

**VARIANCE NO. PL-2003-0276 – Richard Camponuevo(Applicant)/ Manuel Garcia (Owner)**– To allow a reduction of the side yard setback from 5'-0" to 3'- 6" to allow the expansion of the garage to align with the exterior side wall of the existing garage which is setback 3'-6" from the side property line and to allow for a reduction in the interior garage width from 11'-0 to 10'-0"

The site is located at 23681 Ronald Lane in the Single Family Residential (RS) District, (APN: 431 0080 131).

**FINDINGS FOR DENIAL**

- A. Administrative Use Permit PL 2003-0276, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from CEQA review under Section 15305, Class 5a, Minor Alterations in Land Use Limitations.
- B. There are no special circumstances applicable to the property in that the lot is typical of single-family residential lots in Hayward.
- C. Strict application of the Zoning Ordinance does not deprives such property of privileges enjoyed by other properties in that no other variances have been approved for the reduction of side setbacks and interior garage widths on properties in the vicinity.
- D. The variance would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated in that side setback variances have not be granted for other properties in the vicinity.